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The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

ANNUAL REPORT

of the

Massachusetts Commission  
Against Discrimination

January 1, 1961 to December 31, 1961



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# Sixteenth Annual Report of the Massachusetts Commission Against Discrimination

## INTRODUCTION

The Commission has never completed an annual report without acknowledgement of its debt to other groups that are working toward the same goal—the elimination of prejudice which often results in discrimination. This year the Commission believes it should thank a larger number of interested people than ever before and it rejoices in this belief.

The most outstanding example is probably the growth of the fair housing practices committees, now numbering thirty-three. Their most general project is getting signatures to a housing pledge that declares, "I will accept families and individuals into my neighborhood without discrimination because of religion, color or national origin." If this desire to evaluate a neighbor without regard to race, color, religious creed or ancestry can become "the thing to do" a tremendous social victory will have been won through the application of good will and common sense.

The Commission knows how effective individuals can be. Its own Council members have been invaluable to the Commission in the assistance they have given in its educational work. The Commission acknowledges this debt with deep gratitude. It feels very grateful as well to many prominent Jewish and Negro groups, the Attorney General's Office, the Department of Education, the Division of Apprentice Training and many, many others. It also wishes to express its deep appreciation for the help given to it by various newspapers, radio and television stations.

To all of these people we say again that our experience convinces us that at any age discrimination can be discarded. The mature person doesn't like to dislike. He may fear economic loss or loss of social status but if he can be reassured on these scores or decide to ignore them he will join in a fairer and happier evaluation of his fellow man. And so the Commission greatly welcomes all the groups whose interest and efforts are bringing about a general acceptance of people as individuals and in this manner greatly assisting it in its work.

## SUMMARY OF COMMISSION ACTIVITIES

The sixteenth annual report includes the period from January 1, 1961 to December 31, 1961.

The Commission received and processed 376 matters involving discrimination based on race, color, religious creed, national origin, age or ancestry.

The Commission staff interviewed officials of 671 business concerns throughout the Commonwealth. The purpose of these interviews was to acquaint the employers with the provisions of the civil rights statutes and the interpretations and rulings of the Commission; to review employment application forms and hiring policies and to gain compliance with that section of the statute which requires the display of the official notice in a conspicuous place on the premises.

Of the 671 employers interviewed, 166 were found to be using employment application forms which were in violation of the fair employment practice provision of the statute. Forty-five employers were inquiring into the place of birth of the applicant's parents and four recorded the color of applicants. The remaining violations involved pre-employment inquiries into age. All violations were corrected.

The advertising material used by hotels, motels and guest houses are screened each year for possible violations of the Public Accommodations law. This year the ad-

vertising material from 1103 places of public accommodations was reviewed. violations of the law were found.

A spot check was made of forty-four motels in the Cape Cod area to determine the degree of compliance with the regulation concerning display of the Public Accommodation Poster. All but five had complied with the regulation. The five motels not displaying the notice were newly opened or under new management. All complied immediately.

A study was made of the tenant selection policy of twenty-seven Public Housing Authorities to evaluate compliance with the public housing amendment to the fair practices statute. The number of non-white tenants of each housing development is shown in the Public Housing section of this report.

A survey of forty-seven private housing developments, under construction or ready for sale, was made in seventeen communities in Worcester County. The builders and brokers were apprised of the provisions of the fair housing practices statutes. Fair Housing Practices posters were distributed for display in the model homes or the real estate broker's office involved.

Another survey conducted by the Commission dealt with the policy of the employment of older workers, forty-five to sixty-five years of age, in department or retail stores. Twenty companies operating 190 facilities were studied. There were 17,644 employees covered by the survey. Approximately 40% were over forty-five years of age.

In eight cities, a study was made of the distribution of Negro pupils in public schools to obtain factual knowledge of the existence of system-wide integration. The results will be found in that section of the Annual Report entitled "Fair Educational Practices."

A revision of the unit of study for secondary schools, "Discrimination-Danger to Democracy," was made available for distribution. To date, 2,735 copies have been delivered, upon request, to secondary schools in various sections of the Commonwealth.

In answer to individual requests and through the cooperation of the Home Builders Association of Massachusetts, Rental Housing Association and the Massachusetts Association of Real Estate Boards, 1,500 Fair Housing Practices Posters have been distributed for display in rental offices, apartment buildings and in model homes. Public Accommodation posters have been distributed by the Board of Registration of Barbers. Some Fair Housing Committees have sent names and addresses of realtors in their neighborhoods to the Commission which has then sent out posters.

The Commission conducted a public hearing on the adoption of its *Rulings Interpretive of the Fair Employment Practice Law*. The public hearing was held, as provided by law, on March 24, 1961, and the Rulings were adopted on April 7, 1961. Copies are available upon request.

In addition to those who filed complaints 738 persons visited the Commission office to make inquiries concerning their rights and obligations under the provisions of the civil rights statutes.

The Commission members and staff filled 144 speaking engagements and conducted fifty-nine conferences.

A formal hearing was held on an unfair housing practice charge. The matter is pending before the Massachusetts Supreme Judicial Court on the question of the constitutionality of the private housing not publicly assisted provision of the law.

## SCOPE OF THE LAW

The following is a list of the questions the Commission is most frequently asked concerning the scope of the law. It hopes the answers will serve to inform the inhabitants of the Commonwealth of their rights, privileges and duties under the various sections of the law:

What is the Purpose of the Fair Employment Practice Law?

Its purpose is to prevent and eliminate practices of discrimination in employment because of race, color, religious creed, national origin, age or ancestry.

When Did the Law Go Into Effect?

August 21, 1946.



### Who Administers the Law?

Three Commissioners, appointed by the Governor.

### What Is the Commission Empowered to Do?

It is empowered to receive, investigate and pass upon complaints alleging discrimination in employment because of race, color, religious creed, national origin, age or ancestry; to hold hearings and subpoena witnesses.

### Does the Fair Employment Practice Law Apply Only to Hiring?

No, it applies also to discharge, transfer, promotion, terms and privileges of employment, including unfair working conditions such as separation of facilities and segregation in employment.

### Are All Employers Subject to the Law?

All employers with six or more employees, including the state and local governments, are subject to the law except that the state and its subdivisions are exempted from the age provisions. The law does not apply to clubs which are exclusively social or to fraternal, charitable, educational or religious associations which are not organized for private profit; nor does the law apply to any individual employed by his parents, spouse or children or engaged in domestic service.

### How Does the Law Affect Employment Agencies?

It is unlawful for an employment agency:

1. To ask questions BEFORE employment or to make any statement to a prospective employer concerning the race, color, religious creed, national origin, age or ancestry of an applicant.
2. To place advertisements for help or use application blanks which directly or indirectly express any limitation upon employment because of race, color, religious creed, national origin, age or ancestry of an applicant.
3. To accept or process job orders from employers which limit or specify the race, color, religious creed, national origin, age or ancestry of an applicant.

### What Questions May Not Be Asked of an Applicant for Employment?

Questions may not be asked concerning:

- Birthplace or that of relatives.
- Religious creed.
- Color or complexion.
- Lineage or national origin.
- Places of residence of relatives of the applicant or their places of business outside of the United States.
- Military experience in the service of a foreign country.
- Organizations of which the applicant is a member if their names indicate religion, race, national origin or ancestry.
- Age.
- Citizenship, which would indicate whether the applicant is naturalized or native-born; but the applicant may be asked if he is a citizen.

### May an Applicant Be Asked to Produce Military Discharge Papers, Naturalization Papers or a Birth Certificate Prior to Employment?

No.

### May a Photograph Be Required Prior to Employment?

No.

### Does the Law Tell an Employer Whom to Hire?

No, but it does declare it to be unlawful for an employer to refuse to employ, or to discharge from employment any individual because of race, color, religious creed, national origin, age or ancestry. It does not restrict an employer from establishing occupational qualifications provided that they are applied equally to all persons.

### May Job Qualifications Include Personality and Appearance?

Yes, depending on the job. But appearance cannot include color or racial characteristics.

**Suppose an Employer Is Willing to Hire Qualified Minority Group Workers But Cannot Because of Discriminatory Labor Union Practice?**

Complaints may be filed against labor organizations, since these organizations are subject to the Fair Employment Practice Law, when persons are denied full membership rights because of race, color, religious creed, national origin, age or ancestry.

**Suppose an Employer Desires to Hire Qualified Minority Group Members But Fears an Unfavorable Reaction From His Other Employees?**

A clear stand by the employer indicating that he intends to comply with the law and hire the most qualified workers regardless of their race, color, religious creed, national origin, age or ancestry will usually suffice. However, the provisions of the Fair Employment Practice Law can also be invoked against employees attempting to obstruct the purposes of the law.

**Does the Fair Employment Practice Law Give Minority Group Members Any Special Privileges in Obtaining Employment?**

No, the purpose of the law is to afford all persons equal opportunities in employment regardless of race, color, religious creed, national origin, age or ancestry, with the qualifications of the applicants being the sole test in selecting employees.

**If I File a Complaint Against My Employer, Might This Action Cause Me to Lose My Job Or to Be Otherwise Discriminated Against By Him?**

No, the law makes it a violation to discharge, expel or otherwise discriminate against any person because he has filed a complaint.

**How Does the Law Affect Employees On the Job?**

It requires that wages, hours, use of rest room and restaurant facilities, etc., be afforded equally to all employees regardless of race, color, religious creed, national origin, age or ancestry.

**Who May File a Complaint With the Commission?**

Any person claiming to be aggrieved because of an alleged unlawful practice; the Attorney General of the Commonwealth; an employer when his employees, or some of them, refuse or threaten to refuse to comply with the provisions of the law. The Commission itself may file a complaint whenever it has reason to believe any person has been or is engaging in an unlawful practice.

**What Is Meant By "An Aggrieved Person"?**

An aggrieved person is one who believes that his legal rights have been invaded because of discrimination in employment, education, public accommodations or housing.

**How May a Complaint Be Filed?**

Anyone wishing to file a complaint on charges of discrimination because of race, color, religious creed, national origin, age or ancestry must make a complaint in person or in writing which must be notarized. Upon request the staff of the Commission will assist a person in recording a complaint.

**Where Should a Complaint Be Filed?**

At the offices of the Massachusetts Commission Against Discrimination, 41 Tremont Street, Boston, Massachusetts.

**Is There Any Time Limit For the Filing Of a Complaint?**

Yes, a complaint must be filed within six months after alleged act of discrimination.

**What Happens To a Complaint After It Is Filed?**

It is assigned to a commissioner who, with the assistance of the staff, conducts an investigation to determine whether probable cause exists for crediting the statements appearing in the complaint.

**What Does "Probable Cause" Mean?**

That there is credible evidence warranting a belief that discrimination may have been practiced.

If Probable Cause Is Found To Exist, What Then?

The Investigating Commissioner endeavors to eliminate the unlawful practice complained of by conference, conciliation and persuasion, that is, through frank discussion with the parties concerned.

If Conference, Conciliation and Persuasion Prove Unsuccessful, What Further Steps May Be Taken?

A formal hearing may then be ordered before the other two commissioners. The Investigating Commissioner can now appear only as a witness, and the testimony taken at this hearing shall be under oath.

How Is a Final Order of the Commission Enforced?

The Commission may obtain in the Superior Court an order for the enforcement of its decision.

Was the Massachusetts Commission Against Discrimination Always Known By This Name?

No. From 1946 to 1950 the Commission was known as the Fair Employment Practice Commission.

Why Was the Name of the Commission Changed in 1950?

The name of the Commission was changed because of certain amendments which increased the duties of the Commission and broadened the scope of the original law.

What Were These Amendments to the Original Fair Employment Practice Law?

The amendments were three in number:

- 1) The age amendment;
- 2) The public accommodations amendment;
- 3) The public housing amendment.

What Is the Age Amendment?

The age amendment prohibits discrimination in employment solely because of age. Age is defined in the law as being between the 45th and 65th birthday.

What Is the Public Accommodations Amendment?

This amendment prohibits the making of any distinction, discrimination or restriction on account of religion, color or race, relative to the admission of any person to, or his treatment in, any place of public accommodation, resort or amusement.

What Is the Public Housing Amendment?

This amendment provides that there shall be no discrimination nor segregation in public housing because of race, color, creed or religion.

Must There Be an Official Notice of the Commission Posted On the Premises?

Yes. Every employer, employment agency and labor union subject to this law shall post in a conspicuous place or places on his premises a notice prepared by the Commission and called the Summary of the Law, which sets forth excerpts of the law and such other relevant information which the Commission deems necessary to explain the law.

Any employer, employment agency or labor union refusing to comply with the provisions of this section shall be punished by a fine of not less than \$10.00 nor more than \$100.00.

Is There a Regulation Concerning the Display of an Official Poster In a Place of Public Accommodation?

At a public hearing held on May 21, 1959 the Commission adopted a regulation ordering all places of public accommodations to display conspicuously a Public Accommodations poster.

Has There Been Any Added Jurisdiction Given the MCAD Since the Amendments of 1950?

Yes. In 1955 the Fair Employment Practice Act was amended. In 1956 the administration of the Fair Educational Practices Law was transferred from the Department of Education to the MCAD. In 1957 the Publicly Assisted Housing Law was enacted. In 1959 the Private Housing Law was passed.



### What Does the 1955 Amendment Provide?

No person engaged in insurance or the bonding business may make inquiry or record of any information relating to the race, color, religious creed, national origin or ancestry of a person to be bonded.

### What Does the Fair Educational Practices Law Cover?

It covers all educational institutions in the state with the possible exception of religious institutions, and then only in regard to religion.

### What Does It Declare?

It declares the policy of the Commonwealth to be the American ideal of equality of opportunity requiring that students, otherwise qualified, be admitted to educational institutions without regard to race, color, religion or national origin.

### What Is The Purpose of the Publicly Assisted Housing Law?

The prevention and elimination of discrimination because of race, creed, color or national origin in the sale, rental or lease of private housing accommodations which are publicly assisted.

### What Are Some Examples of Housing Which is Publicly Assisted?

1. Housing which is tax exempt in whole or in part.
2. Housing constructed under urban renewal programs.
3. Housing accommodations located in a multiple dwelling insured by the Federal Housing Administration or some other agency of the Federal or State Government.
4. Housing accommodations located in a development of ten or more contiguous units, the construction of which has been insured by a governmental agency or which are offered for sale under the FHA or VA mortgage insurance programs.

### What Is A Multiple Dwelling?

A dwelling which is occupied as the residence or home of three or more families living independently of each other.

### Is There a Later Amendment Concerning Housing?

Yes. Chapter 239 of the Legislative Acts of 1959 broadened the scope of existing legislation in that the law now covers private housing consisting of multiple dwellings of three or more or ten or more houses contiguously located.

### What Types of Housing Are Covered By the New Law?

The following types of private housing are covered: apartment houses, housing developments consisting of ten or more houses and single houses if the house has been built on "one of ten or more lots of a tract whose plan has been submitted to a planning board as required by THE SUBDIVISION CONTROL LAW."

### What Is An Unfair Practice Under the Law?

An unfair practice is:

- a. to refuse to rent, lease, or sell to any person or group of persons because of race, creed, color or national origin housing covered by the law;
- b. to discriminate against any person because of his race, creed, color or national origin in the terms, conditions or privileges of such housing or in the furnishing of facilities or services in connection therewith; or
- c. to cause to be made any written or oral inquiry or record concerning the race, creed, color or national origin of a person seeking to buy, rent or lease any such housing.

### What Is the Attorney General's Ruling Concerning Real Estate Agencies?

On November 24, 1959 Attorney General Edward J. McCormack, Jr. ruled that real estate agencies are places of public accommodation and are subject to the provisions of Chapter 272, Section 98 of the General Laws.



### What Constitutes a Violation By a Real Estate Agency?

The ruling declared that it is a violation for a real estate agency to refuse to offer its services to any person or to refuse to accommodate any person as a client because of race, creed or color.

### What Is the Amendment Concerning Mortgage Loans?

Chapter 151B, section 4, subsection 3B of the General Laws, as amended by Chapter 163 of the Legislative Acts of 1960, prohibits any person engaged in the business of granting mortgage loans to discriminate against any person in the granting of any mortgage loan, including but not limited to the interest rate, terms or duration of such mortgage loan, because of his race, color, religious creed, national origin, or ancestry.

### Are Licensed Real Estate Brokers Subject to the Provisions of the Fair Housing Law?

Yes. Chapter 128 of the Legislative Acts of 1961 amended General Laws Chapter 151B, section 4, subsection 6 to include licensed real estate brokers.

### Who Are Prohibited From Employing Unfair Practices Under the Law?

Owners, lessees, sublessees, licensed real estate brokers, assignees or managing agents or other persons having the right of ownership or possession or right to rent or lease, or sell, or negotiate for the sale of the housing accommodations or any agent or employee of such persons.

### Can the Commission Obtain Injunctive Relief Restraining the Sale, Rental or Lease of the Housing Accommodation Involved in a Complaint Before It?

Yes. Chapter 570 of the Legislative Acts of 1961 amended Chapter 151B, section 5 of the General Laws to outline the procedure to be taken by an individual commissioner to petition the Courts for a restraining order which will provide injunctive relief. Such an injunction can only be issued by the Court.

### When May the Court Be Petitioned to Grant Such a Restraining Order?

As soon as a determination of probable cause has been made that the allegations of the complaint have been substantiated.

### Provided Injunctive Relief Is Granted How Does This Help the Complainant?

The owner of the housing accommodations is restrained from renting, leasing or selling the housing accommodations to any other than the complainant pending the final determination of the Commission in the matter.

### Has the Commission a Regulation Implementing the Fair Housing Practices Law?

Yes. On November 9, 1960 the Commission adopted a regulation which requires a Fair Housing Poster be displayed conspicuously in the model home of each housing development or the model apartment in each apartment building. If neither are used the poster must be displayed in that place where negotiations or agreements are customarily made for the renting, leasing or purchase of housing accommodations.

### What Additional Duty Is Given the Commission?

It is given the power to create advisory agencies and conciliation councils, and as is stated in the Law:

"The Commission may empower them to study the problems of discrimination in order to foster through community effort . . . good will, cooperation and conciliation among the groups and elements of the population of the Commonwealth . . . and make recommendations to the Commission for the development of policies . . . and for programs of formal and informal education which the Commission may recommend to the appropriate state agency."

## OPERATION OF THE LAW

### 1. *Enforcing the Law*

When a complaint is brought by an individual or his attorney, it is assigned to a commissioner who, with the assistance of the staff, conducts an investigation to determine whether probable cause exists for crediting the statements appearing in the complaint. If probable cause is found to exist, the investigating commissioner endeavors to eliminate the unlawful practice complained of by conference, conciliation and persuasion, that is, through frank discussion with the parties concerned. If necessary, the Commission has the power to subpoena. If the matter cannot be settled in the conference period it is referred to the other two commissioners for a hearing which is public. After such a hearing the Commission may issue orders which may be carried out by the Superior Court.

### 2. *Investigations*

An investigation deals with a situation which does not begin with a formal complaint from an individual, but it must relate to instances where trouble is manifest and can be traced to the factors of race, religious creed, national origin, age or ancestry and so is of concern to the Commission and community. The Commission recognizes what it considers to be a danger signal and tries to straighten out the matter in a cooperative manner. The information which triggers the investigation may come from a reputable source or agency or may be an incident involving an organization exempted from the provisions of the statutes. Under such circumstances the Commission invites people to a conference in an attempt to resolve the situation.

### 3. *Education*

The educational program attempts through Council activities, distribution of the Unit of Study, "Discrimination—Danger to Democracy," conferences, speeches, surveys and the distribution of printed material to acquaint the general community with the work of the Commission to the end that public understanding, sympathy and support may be stimulated and the services given by the Commission may be made clear.

## COMPLAINT HISTORIES

### *Public Housing*

In March of 1961 a complaint was filed alleging that a Public Housing Authority had denied housing accommodations because of color.

Investigation revealed that in August of the preceding year complainant first applied for housing. The official application form of the Public Housing Authority was completed by complainant who was told that she would hear from them some time in October.

From October 1960 to January 1961 complainant when interviewed by a field representative contended that she could not obtain any information as to the status of her application. In January 1961 complainant was told by the Secretary to the Authority that her applications had been turned down.

An Authority member was approached and it was learned that there was a question pertaining to complainant's family income.

In February 1961 the Secretary of the Authority stated that there had been insufficient information received from the original application. It was alleged that the Authority had revised its application forms to include additional inquiries pertaining to the reason for desiring housing as well as the employment history and income of the family.

Complainant had filled out the new revised application form.

Three weeks elapsed. Complainant claimed that when the Authority was contacted its response was that no decision had been reached on the application.

Investigation revealed that the Authority had not retained complainant's original application.

It was claimed by the Authority that complainant's income was above the maximum allowed. Investigation revealed this claim was not accurate.

Complainant and family were accepted by the Authority as tenants in June 1961. (PH-IX-1-C)

#### *Private Housing*

1. On September 11, 1961, a complaint was filed by the wife of a Negro physician charging the owner and his agent of refusing to rent her an apartment because of her color.

In her allegations, complainant claimed that a friend of hers notified her of an apartment which was to become vacant in the immediate future.

On September 1, 1961, complainant contacted the rental agent and obtained verification that the apartment would be available for occupancy the first of the following month. The rental agent was asked the rent to be charged and would there be objections because of the fact she had three children.

Concerning what rent would be charged, the rental agent stated that he would take the matter up with the owners and would know on September 5, 1961. With regard to children, the agent said that he was sure that this would not pose a problem. He recommended that the complainant go through the apartment upon the return from vacation of the present tenants whose telephone number he gave.

On September 5, 1961, complainant was shown through the apartment by the tenants. Immediately, upon leaving, complainant called the rental agent and told him she would like to have the apartment. She was told the rent would be 115 dollars per month. The fact that there were three children posed no problem. The agent said that he would come to complainant's home at about noon the following day to pick up the check for the first month's rent. This conversation with the rental agent took place about 2:00 P.M.

After her conversation with the rental agent, complainant alleged that she returned to the apartment to discuss purchasing some furniture which the tenant wished to sell.

At approximately 4:30 P.M. a message was delivered to the complainant asking her to telephone the rental agent. According to the complaint, the rental agent upon being contacted declared that the owner of the apartment building had decided not to have any more children in the building. Complainant was told that if the owner should change his mind she would be considered.

The investigation of the complaint ensued. The rental agent declared that he did not have knowledge that complainant was colored. All conversations with complainant had been held on the telephone.

The tenant, who was to vacate the apartment, denied that she had informed the rental agent that the complainant was colored.

The investigation developed that neighbors, seeing a colored person viewing the apartment twice in one day, called the agent and apprised him of complainant's color.

An affidavit was obtained from a person who, under oath, stated to the Commission that on three occasions, between September 5, 1961 and September 8, 1961, the rental agent had informed him during the course of his applying for the apartment that children in the family was not a problem.

A survey of the apartments revealed that of the eight tenants, five families had children. Four of the families had two children each and one family, one child.

At least three tenants in the building contacted the rental agent to inform him that they had no objection to a Negro family moving into the building.

An informal conference of all of the parties at interest was called. During the conference, the owner of the apartment building informed the Investigating Commissioner that he was greatly impressed with complainant. In addition having learned that complainant's husband is a physician attached to one of the leading hospitals in the area, the owner interrupted the proceedings and asked complainant to make out a check and she would be given the apartment. Complainant wrote the check and subsequently moved into the apartment. (PrH-III-52-C)

2. The first week in February 1961, a complainant, a Negro, applied for an apartment having heard of a vacancy from the tenant who was creating the vacancy.

Every two weeks, complainant alleged, he called respondent only to be put off with various excuses.



From his first call to respondent up to and including May 24, 1961, the date on which his complaint was filed, complainant knew of four vacancies having occurred at respondent's apartment building. He had knowledge also of respondent making inquiries of his landlord with reference to his present rent of two hundred and twenty dollars per month, whether he was noisy, prompt in his rental payments and whether he was rated a good tenant or not. The landlord gave the complainant an excellent rating.

Investigation revealed that respondent was negotiating to sell the apartment building and was fearful that the tenancy of a Negro would present an added obstacle to the negotiations.

Informal conferences were conducted with respondent and his attorney. It was agreed to bring the matter to the attention of the people who were negotiating to purchase the property. The negotiations went forward, final papers were passed and the new owners offered complainant an apartment and complainant took occupancy. (PrH-III-28-C)

3. During the past year and a half there have been formed in Boston and its suburbs thirty-three fair housing practices committees. These committees are composed of civic-minded individuals banded together for the purpose of overcoming resistance to the residence of minority groups in their respective communities. The members, in addition, assist in locating housing accommodations for minority group individuals. These committees are completely independent of the Commission.

During the adjudication of this complaint the Commission, for the first time, applied for and received a temporary restraining order which, in effect, retained the vacancy until the matter was resolved.

The day before he filed his charges, complainant, a Negro, alleged that he had been notified by a fair housing practices committee member that she had answered an advertisement of a seven-room apartment, informing the owner that she was seeking an apartment for a friend and had obtained a statement that the apartment was available to a family with three children.

Accompanied by the committee member, complainant applied to the wife of the owner within a half hour of his being apprised of the vacancy. The apartment and the rental price of one hundred and fifty dollars per month being satisfactory, complainant offered a deposit. The wife of the owner would not accept the deposit claiming that she would have to discuss the matter with her husband who would not return until 11 p.m. that night. It was agreed that complainant should telephone and speak to the husband that evening.

About 11:15 p.m. complainant alleged he called respondent and asked the wife if she had discussed the rental with her husband. According to the complaint the wife answered in the affirmative and declared that since they had paid for a three-day advertisement they were not going to make a decision until the advertisement expired. In answer to another inquiry complainant was informed that there were no vacancies in other properties owned by respondent.

The following day another member of the fair housing practices committee applied for the apartment and using the identical family situation, a wife and three children, was asked to place a deposit of one month's rent. A sworn statement to this effect was filed with this complaint.

Contact was made with respondent immediately after the filing of the complaint and the investigation was begun.

The fair housing practices committee member, who was asked to place a deposit on the apartment, was accused by respondent as being a "straw" for the complainant and his deposit refused.

Another committee member applied for the apartment and a deposit was accepted.

The investigative report was submitted to the Investigating Commissioner who made a determination of probable cause. He next, in accordance with the provisions of Chapter 570 of the Legislative Acts of 1961, filed a petition in Suffolk Superior Court In Equity praying the Court to enjoin respondent from selling, renting or otherwise making available to any other than the complainant the housing accommodation in question pending final determination by the Commission.

The petition was made returnable in three days as provided by law.



At the subsequent hearing in Superior Court a temporary injunction was granted. By agreement the language of the prayer before the Court was changed to read that the restraining order would be in effect pending final determination of the Court in its next session.

Respondents, through their attorney, offered the apartment to complainant provided he post three hundred dollars, to be kept for as long as he was a tenant, to defray any reasonable damage which might be done to the property by his children. The offer was refused when it was admitted that this qualification was not demanded of other tenants and applicants.

As the procedure was begun to forward the petition for injunctive relief by changing its language, respondents, through their counsel, accepted complainant's application. (PrH-III-75-C)

#### *Public Accommodations*

1. The complainant, colored, charged that on August 16, 1961, he and his family drove to a lake to do some swimming. An attendant on duty refused him admission to the beach area declaring complainant had no Association membership card. Making known that he wished to purchase a membership card complainant alleged that he was told that the owner and head of the Association was not around and no one could say when she would be available.

As complainant was leaving, an acquaintance a clergyman, white, drove up and was met by the attendant who when asked declared the admission fee to be thirty-five cents. The clergyman it is alleged asked why the complainant was not allowed to enter. He was told that a membership card was needed. The clergyman informed the attendant that he had no card and was told that the only requirement from him was the admission fee of thirty-five cents.

The complainant left after seeing his friend admitted to the beach.

Investigation revealed that respondent was in fact a place of public accommodation and that the chief requisite in obtaining entrance to the beach was the payment of thirty-five cents. After investigation of this complaint, respondent extended an invitation to complainant and his family to avail themselves of the facilities of the beach. The official public accommodations poster was conspicuously displayed at the entrance to the beach area. A written declaration of future policy of according equal treatment to all regardless of race, creed or color was forwarded to the Commission by the respondent. (PXI-23-C)

2. On February 21, 1961, a colored woman filed a complaint against a beauty salon charging that she had been denied service solely because of her color in violation of the public accommodations law.

The complainant alleged that she had been solicited by telephone to purchase a book of certificates for a certain sum. The certificates could be used to purchase services from varied businesses and establishments at a lower rate than was customary. She purchased the book.

One of the business establishments on the list at which the certificates could be used was a beauty salon. According to the complainant, she visited the salon to have her hair dressed. The receptionist informed her that she could not be waited on that day but would have to make an appointment. When told that complainant's visit to the establishment was for the purpose of making an appointment the receptionist listed complainant for the following Monday at 9:00 A.M.

Complainant stated that when she appeared for her appointment, she was met by the receptionist who asked, "Didn't you get my message?" Complainant declared that she answered in the negative, and inquired as to the nature of the message. It was claimed that the receptionist told complainant, "You shouldn't have had this book. You had no right to this book. They will refund your money." Complainant asked what was meant that she should not have the book of certificates. The receptionist, according to the complainant replied, "All I know is you shouldn't have had this book. You have no right to it."

Complainant next asked to whom the receptionist had given the message. The answer was, "I don't know. I called up your mother or somebody. I looked it up in the telephone book." Complainant informed the receptionist that her mother was not living. The receptionist then said, "I called somebody on Curve Street." Com-

plainant reported that she told the receptionist that her address was on Auburn Street. Complainant then left the premises.

The matter was investigated and an admission obtained that the president of the corporation had instructed the receptionist to cancel complainant's appointment. It was further admitted that the respondent officer had instructed the receptionist to call the organization selling the book certificates to inform them that Negroes should not be sold these coupons.

Respondent was informed of the provisions of the public accommodations statute and agreed to accord complainant the services of the establishment.

Complainant subsequently reported obtaining a shampoo, set and haircut on two different occasions. Her reception was cordial on one occasion and cool on the other but not enough to deter her from patronizing the establishment at a later date. (PXI-2-C)

## NEW LEGISLATION

### CHAP. 128 AN ACT EXTENDING THE PROVISIONS OF THE HOUSING DISCRIMINATION LAW TO THE PURCHASE OR ACQUISITION OF CERTAIN REAL ESTATE.

*Approved February 27, 1961*

"Section 4 of chapter 151B of the General Laws is hereby amended by striking out subsection 6, as amended by section 2 of chapter 239 of the acts of 1959, and inserting in place thereof the following subsection:—

6. for the owner, lessee, sublessee, licensed real estate broker, assignee or managing agent of publicly assisted or multiple dwellings or contiguously located housing accommodations or other person having the right of ownership or possession or right to rent or lease, or sell, or negotiate for the sale of such accommodations, or any agent or employee of such a person:—

(a) to refuse to rent or lease or sell or negotiate for sale or otherwise to deny to or withhold from any person or group of persons such accommodations because of the race, creed, color or national origin of such person or persons; (b) to discriminate against any person because of his race, creed, color or national origin in the terms, conditions or privileges of such accommodations or the acquisition thereof, or in the furnishing of facilities and services in connection therewith; or (c) to cause to be made any written or oral inquiry or record concerning the race, creed, color or national origin of the person seeking to rent or lease or buy any such accommodation."

### CHAP. 570 AN ACT AUTHORIZING A COMMISSIONER OF THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION TO SEEK INJUNCTIVE RELIEF AGAINST PERSONS ACCUSED OF UNLAWFUL DISCRIMINATION.

*Approved May 27, 1961*

"The second paragraph of section 5 of chapter 151B of the General Laws, as most recently amended by section 4 of chapter 426 of the acts of 1957, is hereby further amended by inserting after the fourth sentence the following three sentences:—After a determination of probable cause hereunder such commissioner may also file a petition in equity in the superior court in any county in which the unlawful practice which is the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, or in Suffolk county, seeking appropriate injunctive relief against such respondent, including orders or decrees restraining and enjoining him from selling, renting or otherwise making unavailable to the complainant any housing accommodations with respect to which the complaint is made, pending the final determination of proceedings under this chapter; provided, however, that no such injunctive relief, order or decree shall be granted except after hearing, notice of which shall be given to the respondent at least three days prior thereto by the commissioner by registered mail directed to the respondents' last and usual place of abode, together with a copy of such petition. An affidavit of such notice shall forthwith be filed in clerk's office. The court shall have power to grant such temporary relief or restraining orders as it deems just and proper."

## HOUSING

*Public Housing*

The methods of tenant selection in use by various Public Housing Authorities as well as the degree of integration of non-white occupants are surveyed each year.

The housing practices of twenty-seven Public Housing Authorities were surveyed. Ten of the Authorities studied have been surveyed for five consecutive years. The remaining seventeen were studied last year so that comparative figures are available.

The statistics gathered in the survey follow:

## BOSTON HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units Occupied</i>	<i>No. of Non-White Families</i>				
		1957	1958	1959	1960	1961
Broadway	959	10	12	14	13	14
Camden Street	71	72	72	71	71	71
Commonwealth	644	18	18	17	18	18
Faneuil	258	2	2	2	2	2
Fairmount	201	0	0	0	0	0
Archdale	287	8	5	6	5	5
Orient Heights	350	4	5	4	5	7
Gallivan Boulevard	251	0	0	0	0	0
Franklin Field	502	19	20	20	20	13
South Street	132	0	0	0	0	0
TOTAL	3,655	133	134	134	134	130
FEDERAL PROGRAM		1957	1958	1959	1960	1961
Charlestown	1,139	0	3	3	4	5
Mission Hill	1,017	0	0	0	0	0
Lenox Street	299	306	302	300	305	299
Orchard Park	756	93	100	107	143	179
South End	498	241	253	255	259	271
Heath Street	412	13	15	12	2	6
East Boston	413	0	0	0	0	0
Franklin Hill Avenue	374	14	16	17	15	16
Whittier Street	197	180	185	186	188	187
Washington and Beech Sts.	273	4	3	3	2	2
Mission Hill Extension	572	314	386	440	476	492
Bromley Park	713	110	158	163	171	188
Columbia Point	1,452	103	137	144	166	184
Old Harbor Village	1,000	0	0	0	0	0
Old Colony	858	3	2	2	2	2
TOTAL	9,973	1,381	1,560	1,632	1,733	1,831

## BROCKTON HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units Occupied</i>	<i>No. of Non-White Families</i>				
		1957	1958	1959	1960	1961
	283	6	6	5	6	10
FEDERAL PROGRAM	100	7	9	7	7	7

## CAMBRIDGE HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units Occupied</i>	<i>No. of Non-White Families</i>				
		1957	1958	1959	1960	1961
Woodrow Wilson Court	69	3	2	2	2	2
Jefferson Park	109	4	6	9	11	7
Lincoln Way	60	3	2	2	2	1
Roosevelt Towers	228	9	23	20	20	21
Jackson Gardens	46	1	0	0	0	0
Jefferson Park Extension	200	7	11	11	13	9
TOTAL	712	27	44	46	48	40
FEDERAL PROGRAM		1957	1958	1959	1960	1961
Washington Elms	324	38	38	37	39	38
Putnam Gardens	123	42	43	44	45	42
New Towne Court	294	8	10	9	12	14
Corcoran	152	4	3	4	4	4
TOTAL	893	92	94	94	100	98



## FALMOUTH HOUSING AUTHORITY

STATE PROGRAM	No. of Units Occupied	No. of Non-White Families				
		1957	1958	1959	1960	1961
Amvets Avenue	50	3	3	4	6	5
Mayflower	24	0	0	0	0	0
<b>TOTAL</b>	<b>74</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>5</b>

## HOLYOKE HOUSING AUTHORITY

STATE PROGRAM	No. of Units Occupied	No. of Non-White Families				
		1957	1958	1959	1960	1961
Beaudoin Village	219	1	2	1	8	1
Minnie R. Dwight Village	42	0	0	0	0	0
Edwin A. Seibel Apartments	40	0	0	0	0	0
<b>TOTAL</b>	<b>301</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>8</b>	<b>1</b>
FEDERAL PROGRAM		1957	1958	1959	1960	1961
Jackson Parkway	219	0	0	0	1	0
Lyman Terrace	167	1	1	1	3	4
Henry Toepfert Apartments	98	0	0	1	5	5
<b>TOTAL</b>	<b>484</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>9</b>	<b>9</b>

## NEW BEDFORD HOUSING AUTHORITY

STATE PROGRAM	No. of Units Occupied	No. of Non-White Families				
		1957	1958	1959	1960	1961
Parkdale	100	3	3	2	3	3
Blue Meadows	150	13	13	14	14	14
Nashmont	80	0	0	0	0	0
Crestview-Westwood (Elderly)	75	2	2	2	2	2
<b>TOTAL</b>	<b>405</b>	<b>18</b>	<b>18</b>	<b>18</b>	<b>19</b>	<b>19</b>
FEDERAL PROGRAM		1957	1958	1959	1960	1961
Bay Village	200	119	136	139	143	155
Presidential Heights	200	3	1	0	2	0
Brickewood	300	24	18	18	18	16
Westlawn	200	34	36	41	42	44
<b>TOTAL</b>	<b>900</b>	<b>180</b>	<b>191</b>	<b>198</b>	<b>205</b>	<b>215</b>

## PITTSFIELD HOUSING AUTHORITY

STATE PROGRAM	No. of Units Occupied	No. of Non-White Families				
		1957	1958	1959	1960	1961
Wilson Park	126	0	0	0	0	0
Francis Plaza	40	0	0	0	0	1
Wahconah Heights	68	0	0	0	0	0
<b>TOTAL</b>	<b>234</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
FEDERAL PROGRAM		1957	1958	1959	1960	1961
Victory Hill	99	0	2	2	0	0

## PLYMOUTH HOUSING AUTHORITY

STATE PROGRAM	No. of Units Occupied	No. of Non-White Families				
		1957	1958	1959	1960	1961
Olmstead Terrace and Standish Court	40	0	0	0	1	2



## SPRINGFIELD HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>				
	<i>Occupied</i>	<i>1957</i>	<i>1958</i>	<i>1959</i>	<i>1960</i>	<i>1961</i>
Reed Village	200	13	13	15	15	18
Robinson Gardens	136	6	6	3	12	12
Duggan Park	196	6	5	10	12	16
Carpe Diem	75	1	2	2	1	1
Harry P. Hogan Apartments	22					3
TOTAL	607	26	26	30	40	50
FEDERAL PROGRAM		<i>1957</i>	<i>1958</i>			
Lucy Mallory Village	34	3	Closed			

## WORCESTER HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>				
	<i>Occupied</i>	<i>1957</i>	<i>1958</i>	<i>1959</i>	<i>1960</i>	<i>1961</i>
Curtis Apartments	390	3	3	7	9	5
Lakeside Apartments	204	0	0	1	0	0
George F. Booth Memorial Apartments	75	0	0	0	0	0
TOTAL	669	3	3	8	9	5
FEDERAL PROGRAM		<i>1957</i>	<i>1958</i>	<i>1959</i>	<i>1960</i>	<i>1961</i>
Great Brook Valley Gardens	600	20	20	15	17	19
Mayside Lane Apartments	50					0
Addison Streets Apartments	50					0
TOTAL	700	20	20	15	17	19

## ARLINGTON HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
Menotomy	176	0	0
Housing for Elderly	56	0	0
Drake Village			
TOTAL	232	0	0

## BARNSTABLE HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
General Patton	40	4	10

## BROOKLINE HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
Egmont Street Development	114	0	0
High Street Development	117	0	0
Marion Street Development	60	0	0
TOTAL	291	0	0

## CHELSEA HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
	294	0	0
FEDERAL PROGRAM		<i>1960</i>	<i>1961</i>
	200	0	1

## EVERETT HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units Occupied</i>	<i>No. of Non-White Families</i>	
		1960	1961
Corbett Hill	268	0	17
Winthrop Road	60	0	3
Cherry Street	64	0	3
Golden Age Circle	40	0	0
Proctor Road	120	—	1
<b>TOTAL</b>	<b>552</b>	<b>0</b>	<b>24</b>

## FRAMINGHAM HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units Occupied</i>	<i>No. of Non-White Families</i>	
		1960	1961
	258	1	1
<b>FEDERAL PROGRAM</b>		1960	1961
	125	1	1

## LAWRENCE HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units Occupied</i>	<i>No. of Non-White Families</i>	
		1960	1961
Stadium Courts	256	1	3
Hancock Courts	195	3	3
<b>TOTAL</b>	<b>451</b>	<b>4</b>	<b>6</b>
<b>FEDERAL PROGRAM</b>		1960	1961
Merrimack Courts	292	4	4
Beacon Courts	208	1	0
<b>TOTAL</b>	<b>500</b>	<b>5</b>	<b>4</b>

## LOWELL HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units Occupied</i>	<i>No. of Non-White Families</i>	
		1960	1961
Gorham Street	276	1	0
Lakeview Avenue	12	0	0
Aiken Street	20	0	0
Concord Street	16	0	0
Hale Street	15	0	0
<b>TOTAL</b>	<b>339</b>	<b>1</b>	<b>0</b>
<b>FEDERAL PROGRAM</b>		1960	1961
North Common Village	536	0	0
Chelmsford Street	150	0	0
Bishop Markham Village	372	0	3
<b>TOTAL</b>	<b>1,088</b>	<b>0</b>	<b>3</b>

## MALDEN HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units Occupied</i>	<i>No. of Non-White Families</i>	
		1960	1961
	282	2	1
<b>FEDERAL PROGRAM</b>	<b>250</b>	<b>10</b>	<b>12</b>

## MEDFORD HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units Occupied</i>	<i>No. of Non-White Families</i>	
		1960	1961
	150	2	2
<b>FEDERAL PROGRAM</b>	<b>150</b>	<b>2</b>	<b>2</b>

## REVERE HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
	242	0	0
FEDERAL PROGRAM	100	0	0

## SOMERVILLE HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
Mystic River	240	0	0
Clarendon Hill	216	0	0
Capon Court	64	1	1
TOTAL	520	1	1
FEDERAL PROGRAM		<i>1960</i>	<i>1961</i>
Mystic View	216	1	1
Highland Garden	42	0	0
TOTAL	258	1	1

## TAUNTON HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
Riverside Apartments	102	10	11
Highland Heights	40	2	2
TOTAL	142	12	13
FEDERAL PROGRAM		<i>1960</i>	<i>1961</i>
Fairfax Gardens	150	8	13

## WATERTOWN HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
West End	168	0	0
East End	60	0	0
Waverly Avenue	40	—	0
TOTAL	268	0	0

## WEYMOUTH HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
	208	1	1

## WINTHROP HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
	78	0	0

## WOBBURN HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of Non-White Families</i>	
	<i>Occupied</i>	<i>1960</i>	<i>1961</i>
Creston Avenue	68	0	0
Webster Avenue	60	0	0
Liberty Avenue	48	0	0
TOTAL	176	0	0
FEDERAL PROGRAM		<i>1960</i>	<i>1961</i>
Spring Court	100	1	1

## Public Hearing

One complaint under the Fair Housing Practices Law went to a public hearing in 1961. This represents one of two housing complaints where the conciliatory process failed to eliminate housing discrimination.

The other complaint was settled in 1960. They represent the fourth and fifth complaints to be carried to public hearings in the fifteen year history of the MCAD. *Fowler v. A. J. Colangelo et al.*

A Negro contract analyst employed by the Air Force sought to rent an apartment in a new development five minutes from his place of work. He was told that he was unacceptable as a tenant because he was unmarried. Investigation revealed that several others had applied for and been offered apartments. A finding of probable cause was made to credit the allegations of discrimination because of color. All subsequent attempts at conciliation failed and the complaint was noticed for formal hearing. After the notice for a formal hearing was served the respondent went into Superior Court seeking a declaratory judgment that the Fair Housing Law of 1959 was unconstitutional and that the Commission be enjoined from proceeding to a formal hearing until the question of constitutionality was disposed of by the courts of the Commonwealth. The request for an injunction was denied and the respondents were required to exhaust their statutory remedies before the Commission. A formal public hearing was scheduled by the Commission for early January 1961.

Following this hearing the following "Findings of Fact, Conclusions of Law, and Order" were issued:

Upon all evidence at the hearing herein the Massachusetts Commission Against Discrimination, by Presiding Hearing Commissioner Chairman Mildred H. Mahoney and Hearing Commissioner Ben G. Shapiro, finds that the respondents A. J. Colangelo, Glenmeadow Apartments and John Nahigian, Auburndale Realty, herein have engaged in unlawful discriminatory practices as defined in Chapter 151B, Section 4, Sub-section 6 of the Massachusetts General Laws, and states its findings of fact as follows:

## FINDINGS OF FACT

### THE COMPLAINANT

1. The complainant, Maurice Fowler, is a Negro, unmarried, age 30, employed as a Contract Negotiator for the Electronics System Center of the United States Air Force located at Waltham, Massachusetts. Fowler holds top secret government security clearance, a Bachelor of Science degree in Economics, and a commission as 1st Lieutenant in the United States Army Reserve.

2. On or about July 9, 1960, Fowler sought to rent an apartment in Glenmeadow Apartments at the advertised price of \$145 per month. Glenmeadow Apartments are located about five minutes away from Fowler's place of employment. Since November, 1960 he has resided near Central Square, Cambridge in an apartment comparable in accommodations to the one he sought in Glenmeadow. He has a ten-month lease on the Cambridge apartment at a rental of \$175 per month. It takes him about one half-hour to commute to work in Waltham in the morning and about forty to forty-five minutes to commute from work in the afternoon.

### THE HOUSING ACCOMMODATIONS

3. The premises, Glenmeadow Apartments, is a new multiple apartment dwelling located at 1105 Lexington Street, Waltham, Massachusetts.

4. There are 110 units rented for permanent residence purposes, for one of which the complainant had applied. The basic price per rental unit is \$145 with a somewhat lower rental for basement units.

5. At the time of the events complained of the development was only partly complete, but there were some accommodations available for occupancy as early as July and August, 1960.

6. A rental office consisting of a "model apartment" located in the development was established in July, 1960.



7. The construction of the apartment development in question is not now and never has been subsidized or otherwise aided either in whole or in part by any public funds, whether federal or state.

#### THE RESPONDENTS

8. The respondent A. J. Colangelo is the owner of Glenmeadow Apartments. He possesses detailed knowledge of the day-to-day procedures in renting and leasing of the units in the development.

9. The respondent John Nahigian is the owner of Auburndale Realty, located at 345 Auburn Street, Auburndale, Massachusetts. He is the rental agent of Glenmeadow Apartments with the power to deal generally with the public with the exhibiting, renting, leasing of the apartments therein in behalf of the respondent Colangelo.

10. The respondent Nahigian conducts the business of renting Glenmeadow Apartment units from the "model apartment" located in the development, where he and his staff interview and show the apartment to prospective tenants, process leases and applications, and accept deposits.

#### THE UNLAWFUL DISCRIMINATORY PRACTICES

11. The respondents have discriminated and are discriminating against the complainant by refusing to rent or lease and by otherwise denying to and withholding from him, because of his color, housing accommodations located in multiple dwelling premises at 1105 Lexington Street, Waltham, Massachusetts known as Glenmeadow Apartments:

a. The respondents deliberately misrepresented to Maurice Fowler the date upon which the apartment he sought would be ready for occupancy;

b. The respondents accorded to Maurice Fowler upon the occasion of his application for an apartment different treatment from that customarily accorded white applicants;

c. The respondents accorded the application of Maurice Fowler for an apartment, after it was filed, different treatment from that accorded the applications of white applicants in circumstances substantially similar to those of Maurice Fowler, apart from color;

d. The respondents adopted and carried out a policy of deliberate delay in taking action upon the application of Maurice Fowler;

e. The respondents refused to rent or lease to Maurice Fowler the apartment he sought after receipt of all necessary information to establish his qualifications for tenancy in all respects, according to the standards set by the respondents themselves in accepting white tenants.

12. The respondents' assertions that their failure and refusal to rent or lease to the complainant the apartment which he sought was based on a policy of not renting to bachelors was definitively controverted by the fact that between the time of the filing of the complaint and the formal hearing thereon there were nine bachelors residing in Glenmeadow Apartments.

#### ORDER

Upon the basis of the foregoing Findings of Fact and pursuant to Section 5, Chapter 151B, of the General Laws of Massachusetts, it is hereby

ORDERED, by the Massachusetts Commission Against Discrimination

That the respondents A. J. Colangelo and John Nahigian, their agents, servants, employees, assigns and successors shall:

1. Cease and desist from:

a. Denying to and withholding from complainant, Maurice Fowler, an apartment, together with the privileges and services and facilities relating thereto, at premises 1105 Lexington Street, Waltham, Massachusetts, known (and herein and after referred to) as Glenmeadow Apartments.

b. Giving consideration to the factors of race, creed, color or national origin in seeking and handling applications for apartments at Glenmeadow Apartments, in making inquiry as to the qualifications for tenancy of applicants for apartments at

Glenmeadow Apartments, in passing upon such qualifications and in accepting or rejecting said applicants, in negotiating for and executing leases at Glenmeadow Apartments and in giving occupancy to tenants at Glenmeadow Apartments, and in the conditions and privileges of tenancy at Glenmeadow Apartments and in the furnishing of facilities or services in connection therewith.

2. Take the following affirmative action, which in the judgment of the Massachusetts Commission Against Discrimination, will effectuate the Massachusetts Fair Housing Practices Law:

a. With respect to the housing accommodations sought by complainant:

- (i) Set aside for, and offer to lease forthwith to, the complainant, the leasing period to commence at such time as the complainant can conveniently terminate or satisfactorily modify his present rental arrangements, an apartment of the type for which he applied at Glenmeadow Apartments or a substantially similar apartment, at a rental of \$145 per month, for a period of not less than two years from the date of the right to occupancy under the lease. The complainant shall have a reasonable period of time to accept or reject said offer to lease.
- (ii) If the complainant accepts such offer to lease, the respondents shall execute a written lease of the apartment to the complainant within five (5) days after receipt of written notice of such acceptance. The terms and conditions of such lease shall be substantially similar to the terms and conditions of leases executed by tenants of other apartments at Glenmeadow Apartments during the period August 1, 1960 to December 31, 1960; and the complainant shall be accorded substantially the same privileges, services, benefits and rental concessions accorded to the most favored tenant or tenants in Glenmeadow Apartments, whether such privileges, services, benefits or rental concessions have been granted by terms of lease or otherwise to such tenant or tenants.
- (iii) If the complainant accepts the apartment and executes a lease therefor as aforesaid, respondents shall make said apartment available to the complainant fully ready for occupancy within ten (10) days after the execution of the lease, or at such other reasonable time as the complainant shall request.

b. Apply the same standards of evaluation to all applicants for apartments at Glenmeadow Apartments, without regard to race, creed, color or national origin.

c. Issue written instructions in a form satisfactory to the Commission to all agents, servants and employees of Glenmeadow Apartments and Auburndale Realty, and to all other persons now engaged or employed, or who may hereafter to be employed or engaged within one year of the date of this order by the respondents, explaining the requirements and objectives of the Massachusetts Fair Housing Practices Law and advising each such person of his individual responsibility for compliance with the Massachusetts Fair Housing Practices Law and his obligation to make such compliance meaningful and effective. Copies of such instructions signed by the said persons individually and acknowledging receipt and understanding thereof shall be transmitted to the Commission by the respondents.

d. Post the Commission Notice conspicuously in easily accessible and well-lighted places at Glenmeadow Apartments, where it may be readily observed by those seeking housing accommodations or facilities or services in connection therewith.

e. Transmit to the Commission forthwith a statement listing each of the apartments at Glenmeadow Apartments, which on the date of this order, was not rented or leased, giving the designation of the apartment, the number of rooms and the rental being asked.

f. Include forthwith in their usual advertising media for the next ninety (90) days in all advertisements for Glenmeadow Apartments including newspaper, brochure, pamphlet, booklet, sign or otherwise, a separate statement in bold type couched in a form satisfactory to the Commission giving notice that Glenmeadow Apartments are subject to the Massachusetts Fair Housing Practices Law and that the apartments

therein are available for rental without reference to race, creed, color or national origin.

g. Compensate the complainant in full for the following monetary damages incurred by him on account of the respondent's discrimination:

- (i) The difference between the rental for an apartment at Glenmeadow Apartments and the rental he paid to live elsewhere from November 1, 1960 to March 1, 1961 or to such other date as the complainant may conveniently occupy an apartment in Glenmeadow Apartments, whichever date comes first.
- (ii) In the event the complainant accepts a lease at Glenmeadow Apartments, the cost of moving his furniture from his present residence to Glenmeadow Apartments.
- (iii) In the event the complainant accepts a lease at Glenmeadow Apartments, any reasonable amount he may be obligated to pay in order to terminate or modify his present rental arrangements.

3. Notify the Massachusetts Commission Against Discrimination at its offices at 41 Tremont Street, Boston 8, Massachusetts, in writing within thirty (30) days of the date of service of this order, as to steps respondents have taken to comply with each item in this Order.

Dated: January 24, 1961  
Boston, Massachusetts

The respondents did not accept this order of the Commission.

The respondent, Mr. Colangelo, raised the issue of the constitutionality of the statute. He challenged on the score that the apartment building was entirely financed by private funds. The other respondent, Mr. Nahigian, in addition to raising the constitutional issue questioned the propriety of the order. At present the issue is before the Massachusetts Supreme Court. A decision is expected in the near future.

## FAIR EDUCATIONAL PRACTICES

The Commission was interested to find out the results which might be due to the increasing numbers of Negro children in the public schools of certain cities of the Commonwealth. Six cities were selected in which the 1960 Census indicated increases in the number of Negro residents, viz: Boston, Cambridge, New Bedford, Pittsfield, Springfield and Worcester. The school departments of each of these cities were contacted through the offices of the superintendent of schools.

It was thought that it would be useful information if the Commission could find out the general distribution of Negro children in the various schools of each city and get some idea of the trends in enrollment. Especially it was the intent of the inquiry to find out if there existed real integration in the schools and if there appeared to be any significant changes in percentages of white and Negro children as compared with the total numbers of children in the neighborhoods.

The superintendents of schools in most cases gave estimates where actual figures were not available. Two superintendents, in Boston and Springfield, seemed to speak the minds of others in answering that no records are kept of color of children, consequently they preferred to have no enumeration of membership made by color. None of the permanent record cards of the pupils through the grades, and even through high school, carry any information concerning color, creed or ethnic origin in accordance with a directive given out by the State Department of Education some years ago.

In the City of Pittsfield the Negro enrollment amounted to about 2% of the total enrollment of 11,820 pupils. Of this number only 1.4% were attending high school. There were only three out of nineteen elementary schools in the city which have no Negro children. There was some concentration of Negro membership in six schools in the older section of the city. There are found the oldest school buildings but they were reconditioned a few years ago and are fully as desirable as the newest buildings in the newer parts of the city. Teachers are hired and promoted without regard to color or religion or ethnic origin. There is complete integration on the play-field, at



school functions and, of course, in the classrooms. The Supervisor of Instruction uses the same scale of judging teaching efficiency in all the schools and intends to have the same high standards sought for in all sections of the city.

In Boston the School Department provided the Commission with the services of one of the assistant superintendents who personally conducted the field representative on a tour of some of the elementary and junior high schools of the city. No figures of membership were available but data from an outside study made a few years ago were used as a guide in selecting the schools to visit. These schools had a preponderance of Negro children in their enrollments. It appears that the bulk of the Negro enrollment is in the section of the city where the Negro population is most heavily centered. From the trip it was professionally deduced that there is a good feeling of comradeship in the classrooms, corridors and playgrounds and the same standards of teaching and professional backgrounds seem to prevail in schools regardless of their color membership. Boston School Committee regulations permit freedom of choice in selecting schools, subject to spaces available and courses studied at various grades. Teachers are selected to fill vacancies from lists of candidates who have taken and passed successfully the City of Boston examinations for teachers. The marks obtained in these examinations indicate the position on the list where the names of candidates are placed and selections are made from the top of the list—no record of color, religion or ethnic origin is indicated on the list.

In Cambridge, the Commission had much the same experience as in Boston. A number of schools, elementary and secondary, were visited. The superintendent indicated that all of his fourteen schools have some Negro children in their membership. Those schools which might have a few more Negro children than others were especially visited by classrooms and comparable pupil-teacher relationship was noted as in schools in other parts of the city. Teacher employment and promotion is much the same as in the City of Boston.

In Worcester, the superintendent provided the Commission with the services of one of his assistant superintendents who collected estimated data to show that about 11% of the total elementary school membership (i.e. approximately 250) is Negro while Negro students make up about 3% of the four city high schools. The numbers of Negro children who go from the elementary grades into one or the other of the two vocational (Girls' and Bos' respectively) high schools make up for some of the differences in percentages. One elementary school may have as many as 30% Negro membership while other elementary schools have from 2% to 20% in the six districts contacted. Qualifications for teachers are the same as to training and years of experience in each school district. Promotions and elevations to principalships and assistant principalships are made without regard to color, religion or race. Changes in housing conditions made necessary by recent road building plans which cut through certain sections of the city have resulted in a more widespread housing of the Negro population of Worcester. This seems to account for the more general distribution of Negro children in the elementary and junior high schools.

In New Bedford there was a wide distribution of Negro membership in both elementary and secondary (one high school and three junior high) schools. Teachers are selected and promoted without regard to color, religion or ethnic background.

A new superintendent of schools, promoted from assistant superintendent last summer, plans to continue with the same standards of selecting and upgrading teachers in the system. Integration seems to be the accepted and natural procedures in pupil relations throughout the city.

In Springfield the superintendent stated that there had been a growth in the Negro population as the census figures indicate. The present administration contends that all children are treated alike and that all elementary placement is predicated on the geographical district in which children live. All four high schools are open to all students, subject to their having taken the proper courses in the (seven) junior high schools. An extensive system of guidance and counselling is made available and all pupils are required to plan their courses in conference with those teachers who have been professionally trained in this field.

In Lynn and in the Cape Cod area, no special investigation was made but good integration was noted at all grade levels. In Hyannis, for example, children, both white and colored, were enjoying school social events together and the building principals



indicated that no distinction is made as to color in any class arrangements, seating, etc. In Lynn both academic and athletic recognition is given on the basis of accomplishment and "color never has anything to do with it."

In each of the cities studied it was stated emphatically that pupils are distributed in schools according to the neighborhoods in which they live. This principle seems to be very much of a New England custom which Massachusetts school departments have inherited. Consequently when congestion of any group into one section of a town or city occurs it is bound to result in a preponderance of that group in the enrollment of that neighborhood school. This situation might get to the point where the minority group members in a school become so large that so-called *de facto segregation* appears.

The cities mentioned in this study have School Committee rules in operation which presume to give parents the right to choose the schools in which their children may be registered. Groups have raised the question as to whether the cities should provide bus transportation if the school selected happens to be in another, widely separated section of the city. While this question is being considered by cities in other states, the Commission has not found much enthusiasm for such a decision by the cities thus far involved in Massachusetts.

The Commission has emphasized its belief that the high standards of educational procedure in Massachusetts should provide equal learning opportunities for ALL children. This should include both the quality of trained teachers and the housing and equipment for all sections of a city. In the sections visited it seemed that an effort is being made to maintain these qualities. The printed rules and regulations on such matters as transfer, selection and promotion of teachers are clear and the authorities state that no discrimination is involved. New buildings and/or reconditioning of existing, often crowded buildings, are needed and being sought for as fast as rising school budgets will allow.

The Commission will continue to urge schools to preserve the reputation which the state has established of Equal Educational Opportunities for ALL children of the Commonwealth.

## EDUCATION AND COMMUNITY RELATIONS

### *Inquiries*

Exclusive of those who filed complaints 738 people visited the office of the Commission to make inquiries concerning their rights and obligations under the provisions of the civil rights statutes.

### *Speaking Engagements*

The Commission members and staff filled 144 speaking engagements during the past year. These appearances before civic, religious, fraternal, educational, business and real estate organizations enable the Commission to further its public information program.

### *Conferences*

The Commission members and staff conducted fifty-nine conferences throughout the Commonwealth with representatives of business, education, realtors, minority groups, labor, civic organizations, religious organizations and community relations councils.

### *Teaching Unit: "Discrimination—Danger to Democracy"*

The Commission distributed this year a revised edition of the Teaching Unit: "Discrimination—Danger to Democracy." This valuable teaching aid which was originally written by Dr. Thomas J. Curtin, State Director of Civic Education, was revised and brought up to date this past year. Copies have been made available to all secondary schools in the State and to classes at the State Teachers' Colleges. A number of study groups are using the booklet as a guide to discussion meetings on civil rights. Both public and independent secondary schools are finding the condensed information of great value in such courses as Problems of Democracy, Sociology, U. S. History and Government in the Social Studies Program.

This publication summarizes the objectives in this study of civil rights and directs the student or reader through an analysis of the origins, practices and high costs of prejudice. Ample suggestions are made for motivating interest and various procedures

are enumerated for helping the readers to overcome prejudices. Care has been taken to supplement all comments with lists of readings and available pamphlets which may be easily secured.

Nearly half of the public high schools and most of the independent secondary schools have taken advantage of the availability of this study unit. Sufficient copies have been given any school that desires them so that each student may have a take-home copy for further reading in the home. In some instances high schools were hesitant about using the unit on the ground that either (1) there was no minority group problem in that high school or (2) that the study would be an embarrassment to minority group members in the class. Eventual use of the booklet resulted in favorable comments from the teachers and principals in these same schools.

### *Radio Spot Announcements*

In November, 1961, sixty-one radio stations in Massachusetts were sent sets of thirteen radio spot announcements. Broadcast time for the one-minute or less announcements is provided as a public service in acquainting the general public with their rights under the laws administered by the Commission. Some illustrations of the announcements are quoted below:

1.

It's a law . . . that in Massachusetts, you may not be denied a job—or fair treatment on the job—because of your race, color, religious creed, national origin, age or ancestry. For full details on the law, and how it affects YOU, write the Massachusetts Commission Against Discrimination, 41 Tremont Street, Boston, Massachusetts.

2.

In Massachusetts, we have a law to protect our people from discrimination in employment, education, places of public accommodation, public and private housing. No person may suffer discrimination because of race, color, national origin, age or ancestry. For information, write the Massachusetts Commission Against Discrimination, 41 Tremont Street, Boston.

3.

Are you between the ages of 45 and 65? Do you know that Massachusetts has a law prohibiting discrimination against qualified workers because of age? The Massachusetts Commission Against Discrimination at 41 Tremont Street, Boston, administers this law and also laws covering fair treatment in education, public accommodations and housing!

4.

It is almost 16 years ago that the Massachusetts FEPC, now the Massachusetts Commission Against Discrimination, came into being to administer a law that forbids discrimination in employment because of race, color, religious creed, national origin, age or ancestry. This is not a law put on the statute books, and thereafter to be forgotten. For the State Commission was set up when the Law was passed, to investigate complaints, to carry on an educational program . . . and to see that ALL citizens are given an equal chance on-the-job. This same law also protects your right to fair treatment in places of public accommodation, education, and in public and private housing. For details on the Law . . . or for any questions you may have concerning your rights under the Law, write or visit the Massachusetts Commission Against Discrimination, 41 Tremont Street, Boston

Massachusetts has entered upon a new era of fair housing practices. There is now in effect, as a result of state legislation passed in 1959, an anti-discriminatory law covering certain types of private housing, including apartments. This makes it illegal for an owner or his agent to discriminate in the sale or rental of multiple dwellings, consisting of three or more units, and in developments of ten or more houses if these units are contiguously located.

Most Massachusetts citizens will abide by the letter and spirit of this law. However, the denial of opportunity to rent or buy merely because of color, religion or national origin should be brought to the attention of the Massachusetts Commission Against Discrimination, the state agency which administers the Commonwealth's civil rights statutes. The office of the Commission is located at 41 Tremont Street, and its telephone number is CAPITOL 7-3111.

### *Survey of Department Stores re: Age Amendment*

Between March 1961 and June 1961 a survey of department stores in Greater Boston was conducted. The object of the survey was to contact stores considered representative in their fields and emphasis was placed on employment problems relative to persons in the forty-five to sixty-five age group.

For the purpose of this survey 190 stores or retail outlets were checked. Of this number 115 were novelty department stores; fifty-five were department stores; thirteen were food chain stores and one was a retail delivery service.

Of the total number of 17,644 employees, 7,004 were over forty-five years of age. Of that number 779 had been hired during the past year.

Employment application forms were maintained by sixteen companies, nine of which made inquiry into age or date of birth.

Five companies of the nine felt that age inquiry was necessary for the following reasons: in order to determine if the applicant was old enough to be hired (over 16 years of age); in certain categories, i.e. managerial trainee jobs and for obtaining older personnel in order to maintain a balance among employees.

When questioned whether it was felt that employment of persons over forty-five years of age presented a problem, most employers stated that age was no barrier to employment. The preponderance of employers indicated that to be forty-five years of age or older was more often an advantage rather than a disadvantage particularly in sales positions.

In all instances the same wages, rates, terms and conditions of employment prevailed regardless of age. In regard to pension plans and profit sharing plans, the same conditions obtained. The older new employee usually suffered a penalty by virtue of his age in that he or she would work a lesser number of years for the company. The pension plans involved are based on the number of years of service.

The following typical comments were made by management regarding employees over forty-five years of age:

"Customers tend to seek out older salespeople for advice."

"Older workers have a greater feeling of responsibility for their jobs."

"Applicants over forty-five years of age have a definite advantage over a younger applicant."

"Older employees are more desirable because they are more reliable and can handle customers better."

"Older employees seem to appreciate their jobs more."

"Older workers are more satisfactory and stable."

This survey was conducted for the most part during the period following Easter sales. As a result the figures reflect a period normally considered as a time of low employment for part time and temporary employees. Percentages relating to part time and temporary employees were comparable to those pertaining to regular employees.

### *Council Activities*

Chapter 151B of the General Laws, Section 3, Paragraph 8, empowers the Commission "To create such advisory agencies and conciliation councils . . . as in its judgment will aid in effectuating the purposes of this chapter . . . Such councils shall be composed of representative citizens serving without pay. . ."

The main interest of the Commission this year continues to be in housing and the same interest is expressed by the regional councils.

### *State Advisory Council*

The Commission is most fortunate in having eight Councils that work closely with it in carrying on its educational program.

The State Advisory Council advises on state-wide policies. This year its particular concerns were:

1. Studies of school enrollment from the standpoint of integration.
2. Request for first branch office.

### *Springfield Council*

The seven regional councils interpret the Commission to their communities. These Councils are often consulted by persons who wish to bring some matter to the atten-



tion of the Commission. This year an exception to this quite usual procedure occurred. There was an attempt by a group in Springfield for a branch office, but the Springfield Council Against Discrimination, the educational arm of the Commission, was not consulted. Neither was the entire Commission. A bill, House No. 1202 to establish a Springfield branch office, was presented to the legislature on which the Commission took no stand and which was defeated.

At the December 15, 1960 meeting of the Springfield Council Against Discrimination, the Council asked the Commission to study the situation and if there was found to be need of an office to ask for a sufficient appropriation to establish one. In the meantime field representatives would come to Springfield as had been the custom and stay as long as necessary to receive complaints and investigate complaints. From December 15, 1960 to April 28, 1961, the date of the next Council meeting, there had been twelve complaints from Springfield.

The Council also suggested that as soon as field representatives were available (complaint investigating always comes first) a survey should be made of industrial concerns.

At the Council meeting on December 1, 1961 the Commission reported it believed there was a situation that could best be solved by establishing an office in Springfield. The Commission in its report stated that not only was it considering the increased number of complaints but also the Urban Renewal program which would cause the relocation of a large number of Negro and Puerto Rican families. With these factors in mind the Commission in July 1961, when making out its budget for 1963, which fiscal year begins July 1, 1962 and runs to June 30, 1963, requested funds to finance a branch office to be situated in Springfield. This office would serve both Springfield and the western part of the state. This proposal was approved by both the Springfield Council and the Berkshire County Council.

#### *Boston Council*

At the last meeting of the Boston Council the members were fortunate in having Mr. Ellis Ash, Deputy Development Administrator, Boston Redevelopment Authority to speak on Urban Renewal. A gigantic job is being carried forward in Boston and the Council was anxious to hear Mr. Ash and to be able to ask questions concerning details of the general program and to offer its assistance. One of the major concerns was the housing of families displaced by either the reconstruction of old buildings or the construction of new ones. A building program in an old and established city poses more problems for the Negro group than for any other because there is not as much housing available to them. The Council wished to assure itself that everything would be done to minimize this problem. The fair housing laws should be a most definite help.

#### *New Bedford and Worcester Councils*

New Bedford has experienced all the difficulties that follow upon a relocation of industry. World situations have adversely effected many of its leading businesses and the ensuing loss of wages has made for a tense employment and housing situation. Council members felt it so necessary that landlords be aware of their responsibilities that a small committee of the New Bedford Council conducted a survey to determine landlord attitudes. In many instances the landlord was totally unaware of the fair housing laws and how they applied. The members of this same committee have made arrangements with radio stations relative to spot announcements and with newspapers regarding the publishing of the following statement concerning the Massachusetts Fair Housing Laws:

"We wish to call to the attention of our subscribers and advertisers the Massachusetts Fair Housing Laws which cover the rental of apartments if such apartments are in an apartment building of three or more apartments. These laws also cover the sale of houses if such houses are in a development of ten or more houses contiguously located. The laws forbid unequal treatment because of race, color, religious creed, national origin or ancestry. We do not knowingly publish advertisements that violate these laws. These laws are administered by the Massachusetts Commission Against Discrimination, 41 Tremont Street, Boston."

The Worcester Council requested the Commission to make a study of new housing in developments of ten or more contiguous houses in and around Worcester. This will



be a continuing study and a full report will be made at the spring meeting. The following questions were asked:

1. How many houses in the development.
2. Was the housing poster posted where business is transacted and also in the model home if there was one.
3. Are there any colored people in the project.
4. Was any difficulty anticipated if colored people applied.

All of these questions were answered fully and in a cooperative manner.

In reply to question four the general response was that since there was a law covering the situation the builder intended to comply with it.

The extent of the survey covered seventeen communities of which fourteen were towns and three cities. There were 2,639 houses completed. Of that number, 2,182 had been sold. 2,075 houses were in the planning stage. The price range ran from \$13,500 to \$42,000. There was very little evidence of integration. Out of all applicants for these houses, five colored applicants were reported. Two of these applicants had been offered housing but had not purchased, three had purchased and were living in the developments.

At the November 17, 1961 meeting of the Worcester Council Against Discrimination, Mrs. Richard B. Roberts, a member of the League of Women Voters, gave a most interesting report on a survey of fifty families in Worcester displaced by the East Side Expressway. This study was made by the League of Women Voters.

The Council was particularly interested in how the five Negro families reported in the survey made out in locating new homes. They all secured housing but it was more difficult for them to do so than for the white families.

#### *North Shore Council*

The North Shore Council has been discussing the possibility of a limited demographic survey and some preliminary conferences have been held. The survey has been delayed because the Commission has been unable to release any field representatives from investigating cases long enough to give appreciable help in the survey.

At the suggestion of a member of the North Shore Council a meeting was planned for early January 1962 of the Council, Commission, the Lynn and Salem Real Estate Boards.

#### *Berkshire County and Cape Cod Councils—Our Resort Areas*

The Berkshire County Council and the Cape Cod Council are both in famed resort areas. As such their influence is very wide. People come to the Berkshires and to the Cape from all over the country. What they see and hear convinces them, or doesn't, that Massachusetts is a leader in this struggle to make human beings more appreciative and fair minded about each other.

The Berkshire Council is very sensitive to any evidences of discrimination and has corrected many through the individual efforts of its members. (This holds true of other councils as well). It is also responsible for some very thorough surveys. This year's most notable one was of the General Electric Company in Pittsfield. The Council found nothing to substantiate the claims made against the G. E. but voted to maintain a continuing interest in the operation of that vital industry.

In the spring it is planning to meet with representatives of every group particularly interested in accommodating summer visitors. The law requires public accommodations to be open without discrimination and the main emphasis will be for the Council to back up the law with goodwill and hospitality for all.

The Cape Cod Council has had a very marked effect on the Cape. It was reported to the Commission that a criticism often heard last summer came from landlords who had catered to colored families. The Cape was becoming so integrated that their business suffered.

The Chamber of Commerce refuses to list the names of any person who specifies that he will rent only to certain groups. Renting must be on the basis of no discrimination because of race, color, religious creed, national origin or ancestry. The same is true for the housing serving the needs of the personnel at Otis Air Base in that no listings for housing are accepted which specify restrictions by either owners or real estate

brokers; any listings already on file have been discarded and any cases of discrimination reported by airmen will be referred to the Commission. The Base Commander emphasized his determination to initiate and maintain a policy of cooperation with the Commission.

Other interesting facts which can be cited about the Cape: a colored man was elected to the Yarmouth Housing Authority for the first time; a colored man was elected to the Wareham Board of Selectmen for the first time; the Army appointed a colored man to be in charge of recruiting on the Cape; the Junior Chamber of Commerce now has two colored members; a member of the Cape Cod Council Against Discrimination commented that for the first time in his capacity as supervisor for a large milk concern, he noted colored guests all over the Cape as far down as Provincetown, Truro and Orleans; there is now a colored Chaplain at Otis Air Force Base; two major public service companies have now increased their colored personnel; a large newspaper has a colored supervisor; the Hyannis and Falmouth Police Forces have increased their number of colored officers; the Commonwealth has appointed a colored Armorer for the Hyannis Armory; an increase in colored nurses has been noted in addition to one colored Supervisor of Nurses at the Cape Cod Hospital; a colored man is now on the Board of Trustees of this hospital. There has been an increase in colored teachers. In 1961 thirteen are now employed and one colored principal. A colored man is now one of the directors of the Falmouth Trust Company.

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 Dr. Owen B. Kiernan, Commissioner of Education, Commonwealth of Massachusetts  
 Rt. Rev. Anson Phelps Stokes, Jr., Bishop of the Protestant Episcopal Diocese of Massachusetts  
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 Emil Metropole, Realtor  
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 Frederic C. Church, Senior Partner, Boit, Dalton & Church  
 John V. Connolly, Business Manager, Boston Photo Engravers' Union No. 3  
 Hubert L. Connor, Director of Apprenticeship, Division of Apprentice Training,  
     Mass. Department of Labor and Industries  
 Norris G. Davis, Funeral Director, Davis Funeral Home  
 John E. Deady, Secretary-Treasurer, Boston Building and Construction Trades  
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 Harold D. Hodgkinson, Chairman of the Board, William Filene's Sons Company  
 Ernest A. Johnson, Vice President, Massachusetts Building Congress  
 Kenneth J. Kelley, Secretary-Treasurer, Mass. State Labor Council, AFL-CIO  
 Stephen E. McCloskey, Executive Secretary, Greater Boston Mass. Labor Council,  
     AFL-CIO  
 William C. Mercer, Vice President—Personnel, New England Telephone &  
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 Arthur Seserman, Executive Vice President, Boston Branch National Metal  
     Trades Association  
 F. Frank Vorenberg, President, Gilchrist Company  
 Leslie E. Woods, Labor Relations Advisor and Consultant, Raytheon Company

*Cape Cod*

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 Harvard H. Broadbent, Superintendent of Schools, Town of Barnstable  
 Moncrieff M. Cochran, Guidance Director, Nauset Regional High School, Orleans  
 Norman H. Cook, Executive Secretary, Cape Cod Chamber of Commerce  
 Manuel Corey, Jr., Falmouth  
 Charles A. Coyle, Executive Secretary, Massachusetts Hotel Association  
 Rt. Rev. Leonard J. Daley, Pastor, St. Francis Xavier Church, Hyannis  
 Miss Eugenia Fortes, Hyannis  
 Mrs. Roma M. Freeman, Physical Education & Science Teacher, Barnstable  
     Junior High School  
 Mrs. Walter H. Garrison, Hyannis  
 Joseph Gomes, Osterville  
 Jack Graiver, Falmouth  
 Arthur G. Harwood, Executive Director, Falmouth Housing Authority  
 Malcolm R. Hobbs, Editor and Publisher, "The Cape Codder," Orleans



John T. Hough, Editor, Falmouth "Enterprise"  
 Mrs. John T. Hough, Falmouth  
 Joseph Indio, Editor and Publisher, "Nantucket Town Crier"  
 Allen F. Jones, Contractor, Barnstable  
 James H. Kennedy, Employment Office Manager, Mass. Division of Employment Security, Plymouth  
 John C. Linehan, Principal, Barnstable Junior High School, Hyannis  
 Thomas F. McKeon, Manager, McLellan Stores Corporation, Hyannis  
 Harry S. Merson, Superintendent of Schools, Falmouth  
 Mrs. Harry S. Merson, Falmouth  
 Ben Morton, Secretary, Chamber of Commerce, Martha's Vineyard  
 Norman Nunes, Supervisor, Hood Milk Company, Hyannis  
 Mrs. Lillian Olsen, Treasurer, Hyannis Cooperative Bank  
 John Pena, Contractor, Member, State Board of Agriculture, West Falmouth  
 Mrs. John Pena, Special Policewoman for Falmouth Police Department  
 Thomas Roderick, Teen-Age group coordinator, Hyannis  
 Rev. Carl Fearing Schultz, D.D., The Federated Church of Hyannis  
 Miss Mary G. Shea, Correspondent, "Dennis-Yarmouth Register"  
 Frank Simmons, Sr., Guest House owner, Falmouth  
 Warren Sperl, Assistant Treasurer, Cape & Vineyard Electric Company  
 Frederick M. Sylvia, Refrigerator Service, East Falmouth  
 Richard F. Tobin, Public Relations  
 Mrs. Lewis Paul Todd, Truro  
 Harold H. Williams, Real Estate & Insurance, West Yarmouth  
 Mrs. Minna Witt, Proprietor, Admiral Hotel, Hyannis

### *New Bedford*

Fred W. Steele, *Chairman*, Legislative Agent and Counsel for the Massachusetts Textile Industry  
 Mrs. Valentina N. Almeida, Principal Clerk, City Auditor's Office  
 Joseph Baldwin, Employment Manager, Division of Employment Security, New Bedford  
 Samuel Barnet, Special Justice, Third District Court of Bristol County  
 Henry A. Bartkiewicz, Attorney at Law  
 James M. Buckley, Director of Adult Education, New Bedford School Department  
 W. Kenneth Burke, President Cachalot Council, Boy Scouts, New Bedford  
 George E. Carignan, International Representative, Textile Workers' Union of America, AFL-CIO  
 Joaquim A. Custodio, Lancashire Corporation, New Bedford  
 Duncan A. Dottin, Social Worker, Division of Child Guardianship, New Bedford  
 Rev. Edmund G. Francis, SS.CC., Pastor, St. Mary's Church, Fairhaven  
 Rev. Edward A. Hailes, Union Baptist Church, New Bedford  
 Mrs. William Holmes, Jr., President, Council of Women's Organizations of Greater New Bedford  
 Harold Hurwitz, Attorney at Law  
 Hyman Krivoff, President & Treasurer, Dartmouth Finishing Corporation  
 Miss Ruth B. McFadden, Retired Superintendent of Schools, New Bedford  
 George F. McGovern, Works Manager, Revere Copper and Brass, Inc.  
 Joao R. Rocha, Publisher & Editor, "Portuguese Daily News," New Bedford  
 Marshall M. Sawyer, Jr., Mattapoisett  
 Fermino J. Spencer, New Bedford School Department  
 Mrs. Dorothy B. Stahre, Principal, Charles S. Ashley School, New Bedford  
 Joseph A. Sylvia, Jr., Register of Deeds, New Bedford  
 The Hon. August C. Taveira  
 Alfred R. Thackeray, Executive Secretary, New Bedford Board of Commerce  
 Mrs. Xenophon Thomas, New Bedford  
 Philip F. Tripp, Executive Director, New Bedford Housing Authority



William J. Winsper, Assistant Director, Guidance Department, New Bedford High Schools

Donald Zeman, Attorney at Law, Bronsiegel and Zeman

Mrs. Anthony S. Zielinski, Women's Republican Club of New Bedford Executive Board

Rabbi Bernard H. Ziskind, Tifereth Israel Synagogue

### *North Shore*

Henry Kozlowski, *Chairman*, Treasurer, Jackson & Phillips, Inc.

Anthony Athanas, President, Hawthorne Restaurants, Lynn-Swampscott

Samuel P. Backman, Realtor, Chairman, Industrial Commission of Lynn

Mrs. Mary Finn Berlyn, Supervisor, Adult Civic Education, Lynn Public Schools

Louis L. Brin, Chairman, North Shore Fair Housing Practices Committee

S. Matthew Carrington, Sr., Vice President, Lynn Council of Churches

Abraham E. Caswell, Caswell Shoes, Inc., Lynn

Thomas D. Chatfield, President, Essex Trust Company

Thomas J. Curtin, Director of Civic Education, Massachusetts Department of Education

Mrs. Solomon M. Feldman, Jewish Federation of Greater Lynn

Peter Gamage, Publisher, "Lynn Item"

Abraham Glovsky, Senior Partner, Glovsky & Glovsky

Mrs. Charles F. Haywood, Chief Librarian, Lynn Public Library

Dr. Francis L. Keane, School Adjustment Counselor, Lynn Public Schools

John M. Lilly, General Secretary, Lynn YMCA

Herbert D. Marsh, President, Security Trust Company, Lynn

Lawrence G. McGinn, Superintendent of Schools, Lynn School Department

Mrs. Marcia L. Memmott, Director, Women's Division, Mass. Department of Commerce

Mrs. William H. Nesbit, Newspaper Reference Librarian, "Lynn Daily Evening Item"

Theodore Regnante, Chairman, Board of Trustees of Lynn Public Library

Rev. Edgar D. Romig, Rector, St. Stephen's Episcopal Church Lynn, President, Greater Lynn Council of Churches

Armand J. St. Laurent, Funeral Director

Dr. Steven S. Schwarzschild, Rabbi, Temple Beth El, Lynn

Rt. Rev. Cornelius T. H. Sherlock, Pastor, St. Mary's Parish, Lynn

Dr. William D. Washington, Lynn

William A. Welch, Executive Secretary-Treasurer, Mass. Association of School Superintendents

### *Springfield*

Charles V. Ryan, *Chairman*, Attorney at Law

Mrs. Richard B. Anderson, Public Affairs Committee, Springfield Community Council

Archie Burack, Treasurer, Industrial Buildings Corporation

Miss Clarace E. Galt, Head Psychiatric Social Worker, Child Guidance Clinic of Springfield

George C. Gordon, Gordon and Gibbs Real Estate, Springfield

Mrs. Richard J. Griffin, Jr., President, Springfield Council of Civic Organizations

Miss Alice L. Halligan, Executive Secretary, Springfield Adult Education Council

Miss Olive K. Horrigan, Director of Adult Education, Springfield School Department

Raymond T. King, Attorney at Law

A. Benjamin Mapp, Executive Director, Urban League of Springfield  
 Bernard H. McMahon, President, Springfield Five Cents Savings Bank  
 Roger L. Putnam, Chairman, Package Machinery Company, East Longmeadow  
 Mrs. Roger L. Putnam, President, Catholic Scholarships for Negroes, Inc.,  
 Springfield  
 Frederick B. Robinson, Director, Museum of Fine Arts, Springfield  
 James J. Shea, President, Milton-Bradley Company, Springfield  
 Dr. Hans B. C. Spiegel, Director, Community Tensions Center, Springfield  
 College  
 Charles ViVenzio, Local 202, AFL-CIO  
 Mrs. Malcolm C. Webber  
 Rev. D. Edward Wells, Mt. Calvary Baptist Church, Springfield

### *Worcester*

Andrew B. Holmstrom, *Chairman*, Consultant to Norton Company  
 Rev. Michael P. Bafaro, Roman Catholic Diocese of Worcester  
 Mrs. Mary L. Boyd, Executive Board, NAACP  
 Lyscom A. Bruce, Executive Secretary, Community Chest and Council of  
 Greater Worcester  
 Rev. Hubert C. Callaghan, S.J., Director, Institute of Industrial Relations, College  
 of Holy Cross  
 Miss S. Virginia Carrier, Executive Director, Worcester YWCA  
 Dr. Leo T. Doherty, Superintendent of Schools, Worcester  
 Donald S. Donnelly, Chief Employment Service Supervisor, Division of Employ-  
 ment Security  
 Clayton T. Drown, Holden  
 Mrs. Linwood M. Erskine, President, YWCA  
 Mrs. Daniel Farber, Member, Advisory Committee, Interracial Council of  
 Worcester  
 The Hon. Joseph Goldberg, Chairman, Worcester Area Committee, Anti-  
 Defamation League of B'nai B'rith  
 Rev. Ralph L. Holland, Th.D., Executive Secretary, Greater Worcester Area  
 Council of Churches  
 Dr. Howard B. Jefferson, President, Clark University, Worcester  
 Mrs. Aura M. Kelliher, Principal Social Work Supervisor, Aid to Dependent  
 Children Division, Board of Public Welfare  
 Rabbi Joseph Klein, Temple Emanuel, Worcester  
 John S. Laws, Principal, Dix Street School, Worcester  
 Miss Anna M. Mays, Life member, New England Regional Conference, NAACP  
 Philip M. Morgan, President, Morgan Construction Company  
 Mrs. Stanley W. Norwood, Bancroft School, Worcester  
 Walter A. Olson, Executive Director, Family Service Organization of Worcester  
 Harry W. Oswell, Honorary Vice President, New England Regional NAACP  
 Edson D. Phelps, Second Vice President, State Mutual of America  
 Mrs. Thomas L. Porter, First Vice President, Massachusetts State Federation of  
 Women's Clubs  
 Mrs. Dorothy L. Salter, President, Salter Secretarial School, Worcester  
 Luther C. Small, Executive Director, Worcester Housing Authority  
 Mrs. George E. Spence, Scholarship Chairman, Women's Service Club, YWCA  
 Roy H. Stevens, Sub-District Director, United Steelworkers of America  
 Joseph Weinreb, M.D., Director, Worcester Youth Guidance Center

# STATISTICAL SUMMARY

November 10, 1946 to December 31, 1961

## COMPLAINTS:

Initiated and received .....	2149
Closed after formal hearing .....	5
Closed after investigation and conference .....	1186
Closed for lack of probable cause .....	722
Closed for lack of jurisdiction .....	76
Withdrawn .....	101
Pending investigation and conference .....	59
Noticed for formal hearing .....	0

## INVESTIGATIONS WITHOUT COMPLAINT:

Initiated by the Commission .....	864
Closed after investigation and conference .....	658
Closed for lack of probable cause .....	184
Transferred to complaint .....	8
Pending investigation and conference .....	14

## REGULATING AND SUPERVISING AGE AMENDMENT:

Initiated by the Commission .....	893
Closed after investigation and conference .....	847
Closed for lack of probable cause .....	33
Pending investigation and conference .....	13
TOTAL .....	3906

## NATURE OF COMPLAINTS AND INVESTIGATIONS:

Based upon alleged color discrimination .....	1526
Based upon alleged religious discrimination .....	372
Based upon alleged discrimination because of race .....	58
Based upon alleged discrimination because of national origin .....	404
Based upon alleged discrimination because of ancestry .....	50
Based upon alleged discrimination because of age .....	1496

## TYPE OF COMPLAINTS AND INVESTIGATIONS:

Against employers .....	2934
Against employment agencies .....	143
Against Labor unions .....	37
Others .....	66
Public Accommodations .....	327
Newspaper Advertising .....	145
Public Housing .....	15
Publicly Assisted Housing .....	28
Private Housing .....	191
Fair Educational Practices .....	20

## CIVIL RIGHTS STATUTES ADMINISTERED BY THE COMMISSION

The FAIR EMPLOYMENT PRACTICE LAW was enacted as Chapter 151B of the General Laws by Chapter 368 of the Acts of 1946; amended by Chapter 424 of the Acts of 1947 relative to inquiries into whether an applicant for employment or union membership is a veteran or a citizen; further amended by Chapter 411 of the Acts of 1948 relative to civil service coverage of certain commission employees; further amended by Chapter 479 of the Acts of 1950 changing the name of the Fair Employment Practice Commission to the Massachusetts Commission Against Discrimination and further defining its powers and duties; further amended by Chapter 697 of the Acts of 1950 relative to employment discrimination because of age; further amended by Chapter 588 of the Acts of 1951 relative to compensation of members of the Commission; further amended by Chapter 274 of the Acts of 1955 relative to discrimination by bonding companies.

The FAIR EDUCATIONAL PRACTICES LAW was enacted by Chapter 151C of the General Laws by Chapter 726 of the Acts of 1949; amended by Chapter 334 of the Acts of 1956 giving jurisdiction over the law to the Massachusetts Commission Against Discrimination.

Discrimination in PUBLIC HOUSING, made illegal by Chapter 121, Section 26FF of the General Laws, was further defined to include segregation, and jurisdiction over complaints was given to the MCAD by Chapter 479 of the Acts of 1950.

The PUBLIC ACCOMMODATIONS LAW (Chapter 272, Section 92A and Section 98 of the General Laws) was placed under the jurisdiction of the MCAD by Chapter 479 of the Acts of 1950; amended by Chapter 437 of the Acts of 1953 further defining a place of public accommodation.

The PUBLICLY ASSISTED HOUSING LAW was enacted as an amendment to the fair employment practice law by Chapter 426 of the Acts of 1957.

The PRIVATE HOUSING LAW was enacted as an amendment to the fair employment practice law by Chapter 239 of the Acts of 1959; further amended by Chapter 163 of the Acts of 1960 forbidding discrimination in the granting of mortgage loans.

The PRIVATE HOUSING section of the law was amended by Chapter 128 of the Acts of 1961 to include the sale or negotiation to sell housing accommodations as well as giving the Commission jurisdiction over licensed real estate brokers.

The INJUNCTIVE RELIEF LAW was enacted as an amendment to the fair practices statute by Chapter 570 of the Acts of 1961.